

Written evidence submitted by Ms J Allen [GRA1854]

- The Government's response to the GRA consultation should include a comprehensive Equality Impact Assessment into the impact of the GRA on all people with protected characteristics in the Equality Act 2010
- Sex, sexual orientation, sexuality, gender, gender identity and gender reassignment are being conflated and confused as part of an ideological debate
- The Government should "follow the science" and focus on material biological reality rather than adjust policies in line with the latest ideology
- Policy capture by the transgender ideology needs to be challenged across all public services

Brief introduction and reason for submitting evidence

I am a retired senior manager who worked in public-facing local government services for 40 years. I developed an understanding of the interface between central government's legislation and service delivery at the local level, including the importance of completing, and consulting on, comprehensive Equality Impact Assessments as an integral part of the process when changes were proposed for public services.

I have also contributed to an evidence-based, unpublished, working document, *Feminist democracy: sex and gender equality and gender self-identification*, (2020), which examines issues around free speech, the right to self-organise, lobbyist and populist forces, policy capture, particularly in the NHS and schools, GRA reform proposals, the impact on women and girls in public services, legal and policy developments.

Government's response to the GRA consultation

1. *Will the Government's proposed changes meet its aim of making the process "kinder and more straight forward"?*

'Kinder' is an unusual word to apply to legal processes but an online procedure should assist people to complete the process. But is the concept of 'being kinder' applied to other applications eg for benefits, immigration status?

2. *Should a fee for obtaining a Gender Recognition Certificate be removed or retained? Are there other financial burdens on applicants that could be removed or retained?*

The fee should be retained in line with government charges for other documents such as visas, passports, probate etc

3. *Should the requirement for a diagnosis of gender dysphoria be removed?*

No. In other cases of 'body dysphoria', people are supported to resolve their body image issues through discussion and therapy. A diagnosis of gender dysphoria should be mandatory as part of regular safe medical practice and required before any medical intervention, as well as before making an application for gender reassignment. But

research states that “questions remain for psychiatrists regarding whether gender dysphoria is a normal variation of gender expression, a social construct, a medical disease or a mental illness”

<https://www.cambridge.org/core/journals/bjpsych-bulletin/article/sex-gender-and-gender-identity-a-reevaluation-of-the-evidence/76A3DC54F3BD91E8D631B93397698B1A/core-reader>

If there is no requirement for a diagnosis, then anyone can say they are anything – whereas biological sex is determined at fertilisation and is binary, no one can change the fact that, apart from rare intersex conditions, females have two X chromosomes in their cells, while males have both X and a Y chromosomes in their cells. The implications of the GRA are that sex and gender become conflated which leads wrongly to the suggestion that it is possible to change ‘sex’.

4. *Should there be changes to the requirement for individuals to have lived in their acquired gender for at least two years?*

No. It acts as a safeguard against abuse of the process

5. *What is your view of the statutory declaration and should any change be made to it?*

Retain the current arrangements to emphasise the significance of the process

6. *Spousal consent provision*

Consult people in this situation

7. *Should the age limit at which people can apply for a Gender Recognition Certificate (GRC) be lowered?*

Absolutely not. Recent research suggests that adulthood and full maturation is not reached until people are in their mid 20s. This creates an argument for a significant increase in the age limit to prevent young people from mutilating their bodies and regretting it as adults. Young people have been taught in some schools that it is possible “to be born in the wrong body”. This BBC video, designed for use in relationship and sex education classes for key stage 2, illustrates what has been happening in many schools: <https://www.bbc.co.uk/teach/class-clips-video/rse-ks2-identity-understanding-sexual-and-gender-identities/zfqrhbk> .

Fiction written for children promoting trans narratives is increasingly exposing young children to the ideology that you can be born in the “wrong “ body, that “sex is assigned at birth” and that you can change sex, and do so without implications for your health and well-being.

8. *What impact will these proposed changes have on those people applying for a Gender Recognition Certificate, and on trans people more generally?*

I understand that increasing the number of gender clinics might have been thought a good idea to meet the demands of trans people, but, before that happens, there

should be a rigorous investigation into NHS practices regarding transgender people and the provision of lifelong irreversible medical treatments which mutilate bodies and are likely to destroy fertility.

Female genital mutilation is illegal so why is it acceptable to give mastectomies to healthy young women who feel that they are, at a particular point in time, in the 'wrong' body?

9. *What else should the Government have included in its proposals, if anything?*

All Government proposals should be preceded by the publication of a comprehensive evidence-based Equality Impact Assessment on all protected characteristics (including both sex and gender-reassignment but NOT gender) and which should involve consultation with all stakeholders.

10. *Does the Scottish Government's proposed Bill offer a more suitable alternative to reforming the Gender Recognition Act 2004? Unclear*

Wider issues concerning transgender equality and current legislation

Are there challenges in the way the Gender Recognition Act 2004 and the Equality Act 2010 interact? For example, in terms of the different language and terminology used across both pieces of legislation.

1. **Sex is a protected characteristic in the Equality Act 2010: it protects women's and girls' rights as females (and men as males). Trans rights are protected by the characteristic of gender reassignment. Biological sex is determined at fertilisation and is binary, no one can change the fact that, apart from rare intersex conditions, females have two X chromosomes in their cells, while males have both X and a Y chromosomes in their cells. The Equality Act 2010 says: "A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex". This conflation of sex and gender can lead to the suggestion that it is possible to change 'sex'.**
2. **It is sex-based rights and women's and girls' rights in particular, which are threatened by this conflation of terms. Transgender Trend argue that "clear guidance is needed from the Equality and Human Rights Commission (EHRC) so that schools feel confident in providing lawful separate sex facilities, protecting girls' sports, teaching biological facts, resisting the corruption of language and protecting pupils' rights to freedom of speech and belief. The Gender Recognition Act should not weaken the Equality Act's protected characteristic 'sex' and it is up to the government to ensure that it doesn't".** <https://www.transgendertrend.com/>
3. **We need more clarity from the law and policies of the UK about the operation of sex based rights and the single-sex exceptions within the UK's institutions, such as the courts, other public authorities and in the media.**

4. Equality impact assessments should be undertaken to protect sex-based rights along with the other protected characteristics, including gender reassignment. But as one lawyer has put it: a proper understanding of the way the law works recognises that a conflict between sex and gender reassignment is inevitable.
<https://womansplaceuk.org/2020/07/02/legally-this-is-not-a-trans-rights-issue-its-a-sex-rights-issue-a-blog-about-boxes-audrey-ludwig/>

Are the provisions in the Equality Act for the provision of single sex and separate-sex spaces and facilities in some circumstances clear and usable for service providers and service users? If not, is reform or further guidance needed?

5. It is significant that Liz Truss asserted (on 22/9/20) that the Equality Act 2010 “allows service providers to restrict access to single sex spaces on the basis of biological sex if there is a clear justification” and that the operation of single-sex spaces and services do not need individual-by-individual assessment. It would be helpful for this clarification to be added to the Equality Act while there is also a need to provide clarity to organisations providing safe single-sex resources for natal women.
6. Changes in institutional practice due to policy capture by transgender groups, or a misrepresentation of the law in the media, for example, has led to males, self-identifying as female, being given access to female only spaces in women’s prisons, women’s refuges, rape counselling services, changing rooms, toilets, girls schools and to competing in women’s sport.
7. As long as the Equality Act’s definition of man (male of any age) and woman (female of any age) is not changed then the provisions in the Equality Act remain clear and usable for service providers and service users. Provisions will be compromised and seriously undermined should the words sex and gender become interchangeable, or the word gender replace the word sex. These words are not interchangeable. Sex is a protected characteristic within the Equality Act and is there to counter women’s oppression and ensure that women are protected under law and are safe and comfortable within single sex spaces where they might otherwise be vulnerable such as toilets, changing rooms, sports, prisons, hospitals, counselling services and refuges.
8. The Equality Act includes an example to ensure female only spaces are protected from male to female transsexual people: *‘A group counselling session is provided for female victims of sexual assault. The organisers do not allow transsexual people to attend as they judge that the clients who attend the group session are unlikely to do so if a male to female transsexual person was also there. This would be lawful.’* It appears that the term transsexual is now unacceptable to people who want to be described as transgender, perhaps because some do not want to make any changes to their body. This suggests that, to continue to safeguard female only spaces, the wording of the Equality Act should be changed to ensure that not only transsexual people should not have access to female only spaces, but also male to female transgender people do not have access to female only spaces, because, these are, in fact, men.

Does the Equality Act adequately protect trans people? If not, what reforms are needed.

9. Reforms would be welcome to encourage transwomen to argue for their own rights rather than taking over hard won natal women's rights. How can it be fair to natal women when a male person who self identifies as a woman is given a place on a Labour Party's women-only shortlist? A fairer argument is that there should be a protected place for a transwoman on the general shortlist, and perhaps also a place for natal women. Similarly, rather than insist on having access to women's toilets, arguments should be made for separate individual provision for transgender people, similar to the creation of facilities for people with disabilities

Are legal reforms needed to better support the rights of gender-fluid and non-binary people? If so, how?

10. A dictionary definition of gender is "the state of being male or female in relation to the social and cultural roles that are considered appropriate for men and women". In other words, gender is the cultural stereotype associated with either sex, suggesting it is difficult, if not impossible to adequately define non-binary in this context
11. Giving the terms gender-fluid and non-binary any weight in law, gives gender ideology legal protection. This contributes to the imposition of a non-science-based ideology. Additionally, it contradicts the recent guidance to schools published by the DfE which instructs schools not to teach gender ideology, especially the notion that people can be born into the wrong body. Gender-fluid and non-binary come directly from the idea that people can be born into the wrong body.
12. Legal protection in the form of 'rights' for gender fluid and non-binary people support a fiction and will lead to further confusion in an already confused and inconsistent set of legal practices and policy decisions. These concerns are eloquently set out by the founder and Director of Transgender Trend, Stephanie Davies-Arai.
<https://www.transgendertrend.com/>

November 2020